REMARKS

Rejection under 35 U.S.C. § 102(b)

Claim 1 stands rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 4,381,899 ("Merkle"). In particular, the Examiner alleges that, with regard to claim 1, Merkle discloses each of the claimed limitations. Specifically, the Examiner states that Merkle teaches "a cargo liftinig device comprising hydraulic lifting assemblies (generally 30), a fixture (generally 28), a lifting platform (generally 45) wherein the lifting platform is connected to the fixture via the hydraulic lifting assemblies, one end of each of the hydraulic lifting assemblies is secured to the fixture, and the lifting platform provided with enforcement beams (generally 74) at its two sides while the other end of each of the hydraulic lifting assemblies is secured to the corresponding enforcement beam." Applicants have reviewed the reference with care, and respectfully disagree with the Examiner's characterization of this reference.

Claim 1 is directed to a vertical cargo lifting device comprising hydraulic lifting assemblies, a fixture, and a relatively thin lifting platform having enforcement beams at its two sides in which the lifting platform is connected to the fixture via the hydraulic lifting assemblies, one end of each of the hydraulic lifting assemblies is secured to the fixture while the other end of the hydraulic lifting assembly is secured to the corresponding enforcement beam located on the two sides of the lifting platform. Merkle does not disclose all of the limitations of the claimed invention.

In particular, Merkle does not disclose a device having any enforcement beam. The Examiner states that Merkle teaches a cargo lifting device wherein the lifting platform is provided with "enforcement beams (generally 74) at its two sides." However, the Examiner has misinterpreted the Merkle structure identified as "74" to be an "enforcement beam." This is incorrect, Merkle clearly discloses the object identified as reference numeral 74 to be "a pivot connection 74" and not an "enforcement beam" as interpreted by the Examiner. *See, Merkle column 3, line 41.* As known in the art, a pivot connection allows for rotation and thus cannot by its very nature provide stability

for load bearing purposes as is the case with the present invention. Unlike the wheelchair lift device described in Merkle, the present invention includes an enforcement beam allowing for a relatively thin lifting platform to be used for bearing the same or similar load. Merkle does not teach such an enforcement beam.

Furthermore, the location of the connection points of the hydraulic lifting assemblies with the lifting platform of the present invention differs from Merkle. The present invention includes hydraulic lifting assemblies, one end of each assembly is secured to the fixture while the other end of the hydraulic lifting assembly is secured to the corresponding enforcement beam located at the side of the lifting platform. In contrast, the connection points of the hydraulic assemblies described in Merkle are located on top of the tread section 45 which runs along the front of the platform. As clearly disclosed in Merkle, the "piston member 70 of each hydraulic lift cylinder 30 is connected by a pivot connection 74 to the tread section 45 intermediate the respective front and rear ends 56 and 58 thereof." *See, Merkle column 3, lines 40-43.* The connection 74 disclosed in Merkle is not connected to the sides of the platform (i.e. side of front end 56) but rather to the top of the platform. *See Figure 1 & 3.*

The function of the cargo lifting device of the present invention also differs from the wheelchair lift device described in Merkle. Merkle only discloses a wheelchair lift device which pulls a wheelchair to lift it. Merkle's device includes foldable hinged sections normally positioned through a first linkage to form a step with a riser and in which the first linkage operated during deployment controls forward swinging movement of the sections to form a platform for supporting a wheelchair that can be lowered to ground level by a second linkage. In contrast, the present invention teaches a hydraulic lifting assembly which forms a cantilever structure which can also push the platform underneath a cargo to lift it vertically. The linkage members of Merkle do not possess such a function due to its different structure.

Applicants therefore respectfully submit that claim 1 is in fact patentable over Merkle and respectfully requests the Examiner to reconsider and pass the claim to issue.

In view of the foregoing, it is submitted that the claims are in condition for allowance. A Notice of Allowance is requested.

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Respectfully submitted,

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